

Francis T. Fahy
In Pro. Se.
259 Oak Street
San Francisco, CA 94102
(415) 242-4620

FILED

AUG 23 2008

RECEIVED

AUG 25 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS T. FAHY,

Plaintiff,

vs.

RONALD M. GEORGE, et al.,

Defendants.

) Case No. C - 08 - 2496

)

) **PLAINTIFF'S NOTICE OF MOTION AND**

) **MOTION FOR ORDER TO CORRECT**

) **TYPOGRAPHICAL/CLERICAL ERROR**

) **AND [PROPOSED] ORDER**

) Date of Hearing: TO BE ANNOUNCED

) Courtroom: **TW0**, The Honorable Claudia

) Wilken, Judge Presiding

) Date Action Filed: May 16, 2008

)

)

)

)

)

TO THE COURT AND THE DEFENDANTS AND TO THEIR ATTORNEYS IF ANY:

NOTICE IS HEREBY GIVEN that the plaintiff, Francis Thomas Fahy, hereby moves for an Order by the Court to correct one typographical or clerical error on the Summons issued in the captioned matter and on typographical or clerical error in the Summons and Complaint filed in the captioned matter, to wit; in the Summons, that the defendant Carlos R. Moreno is incorrectly named "George R. Moreno" in the Summons and in the both the Summons and Complaint filed

1 in this matter, the defendant "Erica L. Demmings" is incorrectly named as the spelling of her last
2 name should be "Dennings."

3 The plaintiff requests an Order from the Court that the name "Carlos" to be substituted in
4 place of and instead of "George" whenever and wherever it appears for the defendant Carlos R.
5 Moreno and that the name "Dennings" be substituted in place and instead of "Demmings"
6 whenever and wherever it appears in the pleading on file in this matter.

7 DECLARATION OF FRANCIS THOMAS FAHY IN SUPPORT OF MOTION FOR ORDER
8 TO CORRECT TYPOGRAPHICAL OR CLERICAL ERROR

9 I, Francis Thomas Fahy, declare:


10 1. I am over the age of 18 and a resident of the State of California and the plaintiff in the
11 captioned matter. If called I could and would competently testify to my personal knowledge of
12 the following facts and as to those matters stated on my personal information and belief.

13 1. When the Summons was prepared by the undersigned the defendant Carlos R. Moreno
14 was erroneously named "George R. Moreno" through my information and belief to be excusable
15 oversight inasmuch as he was correctly named on the Complaint filed in this matter, and that this
16 error was overlooked despite on my information and belief to be careful review of the document
17 before be submitted to the Court for issuing.

18 2. The defendant Erica L. Demmings's last name was incorrectly typed and should have
19 been entered as "Dennings" and despite, on my information and belief, careful reviews of the
20 Summons and Complaint before the documents were submitted for filing, this error was
21 overlooked.

22 3. The undersigned knows of no prejudice that would or could occur to the defendants
23 served or yet-to-be served by the grant of the order requested herein.


24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct except as to those matters stated on information and belief and as to

those matter, I believe them to be true and that this declaration was executed this 22nd day of August, 2008 in the County of San Francisco, State of California. 

MEMORANDUM OF POINTS AND AUTHORITIES

The Court may, though its inherent power to control litigation before it, correct clerical and typographical errors due to excusable neglect oversight or error when no prejudice is shown.

ORDER

Good cause appearing therefore, it is ~~so~~ ordered. *that Plaintiff may submit corrected versions of each of the arguments*
Date: AUG 29 2008
continuing such errors.

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I, Francis Geiger, declare:

I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my home address is located in San Francisco, California 94102

On August 22, 2008, I enclosed and sealed true and correct copies of

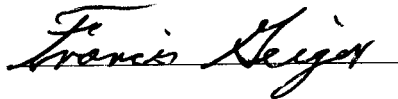
NOTICE OF MOTION AND MOTION FOR ORDER TO CORRECT
TYPOGRAPHICAL/CLERICAL ERROR

In an envelope addressed as follows, with postage fully pre-paid thereon, and then deposited same in a U.S. mail box in the County of San Francisco, California,

Attorneys for defendants State Bar of California, J. Donald R. Steedman, Tammy Albertsen
Murray, Lawrence J. Del Cerro, Scott Drexel, J. Epstein, J. Stovitz, Pat McElroy:

Patricia Scotlan, Esq.
General Counsel for The State Bar of California
180 Howard Street
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed this August 22, 2008, in San Francisco, California.

A handwritten signature in cursive script, reading "Francis Geiger", written over a horizontal line.